

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

POLICE – Recruitments – Notification issued by the Andhra Pradesh State Level Police Recruitment Board for recruitment of Police Constables (Civil) (Women) posts in 3rd phase – Errors noticed in the number of vacancies reported to the Government and notified by the A.P.S.L.P.R.B. – Notification of correct number of 1701 posts in the Recruitment to rectify the error in the Notification issued – Orders – Issued.

FINANCE (SMPC-I) DEPARTMENT

G.O.Ms.No. 293

Dated: 23.10.2013.

Read the following:-

1. G.O.Ms.No. 257, Finance (SMPC) Department, dt. 18.11.2007 r/w G.O.Ms.No. 281, Home [Ser.III] Department, dated 20.11.2007.
2. From the D.G.P., A.P. Hyd., Lr. No. 11/PL-1/2011/ dt. 16.6.2011.
3. From the Finance Secretary (R&E) Department, A.P. Hyd., D.O.Lr.No. 17465/205/A4/SMPC.-1/2011, dt. 14.9.2011.
4. From the Chairman, APSLPRB. Hyderabad, Notification No. 927/R&T/ Rectt.2/2011, dt. 31.10.2011.
5. From the Chairman, APSLPRB. Hyderabad, Notification No. 837/R&T/ Rectt.2/2012, dated 31.12.2012.
6. From the DGP, AP, Hyd., Lr.Rc.No.11/PL-1/11, dt:26.03.2013 & 16.07.2013.
7. Home (Ser.III) Dept., U.O.No. 10452/Ser.III/A-1/2013, dt. 19.10.2013.

ORDER:

In the reference first read above, Government have accorded permission for creation and filling-up of certain posts in the Police Department, through the A.P. State Level Police Recruitment Board, Hyderabad.

2. In the reference second read above, the Director General of Police, Andhra Pradesh, Hyderabad, has stated that a proposal was submitted to Government, to accord clearance from the Finance (SMPC.I) Department, to take up the recruitment by the Chairman, Andhra Pradesh State Level Police Recruitment Board for the **following posts of 17,466 Police Constables [PCs] [Civil/AR/APSP] and 1866 S.Is [Civil/AR/APSP].**

| Sl.No. | Category | Number of Vacancies |
|--------|------------------------------------|---------------------|
| 1. | Sub-Inspector (Civil) (men) | 1234 |
| 2. | Sub-Inspector (Civil) (Women) | 230 |
| 3. | Reserve Sub-Inspector (RSI) (AR) | 314 |
| 4. | Reserve Sub-Inspector (RSI) (APSP) | 88 |
| | Total | 1866 |
| 1. | Police Constable (Civil) (Men) | 8413 |
| 2. | Police Constable (Civil) (Women) | 3055 |
| 3. | Police Constable (AR) (Men) | 3327 |
| 4. | Police Constable (AR) (Women) | 15 |
| 5. | Police Constable (APSP) | 2656 |
| | Total | 17466 |

3. In the reference third read above, the Finance (SMPC-I) Department has authorized the Chairman, A.P.S.L.P.R.B., Hyderabad to conduct recruitments to the above posts in the Police Department.

4. Accordingly in the reference fourth & fifth read above, the Chairman, A.P. State Level Police Recruitment Board, Hyderabad, has issued notification for the direct recruitments of 2976 PCs (Civil) (Women) and 94 PCs (AR) (Women) including other posts vide their notification dt. 31.10. 2011, out of which, 227 vacancies of PCs (Civil) (Women) are filled up and 2749 PCs (Civil) (Women) and 94 PCs (AR)(Women) are unfilled. Again the Chairman, APSLPRB, Hyd., has issued limited notifications for the unfilled vacancies of 2749 PCs (Civil)(Women) and 94 PCs (AR) (Women) vide their notification dt.31.12. 2012.

5. The Director General of Police, A.P., Hyderabad, in his letter sixth read above has brought to the notice of the Government that certain errors have taken place in reporting the vacancies for direct recruitment based on which a notification was already issued by the A.P. State Level Police Recruitment Board and has stated that the vacancies in respect of Police Constables (Women) have been calculated for the third phase as 3070 (3055 PCs (Civil) + 15 PCs (AR)) (including new sanctions and existing vacancies) as follows:

PC (Women) (Civil) vacancies: New posts of PCs + Promotional posts of HC and ASI posts + (SI+Insp) 30% of promotional posts + Existing vacancies.

After reconciliation of strength particulars and vacancy position from the Units, it is verified and observed that the vacancy position of PCs (Women) have been shown excess due to wrong calculation and already there is excess strength of Women PCs, and the vacancies of PCs (Women) have come to 1701 posts only.

6. In view of the above, the Director General of Police, A.P., Hyderabad, has requested the Govt. to take up the matter with the Finance Dept., and to give clearance to the Chairman, A.P.S.L.P.R.B. Hyderabad, to take up the recruitment for 1701 posts of PCs (Civil) (Women) only in place of the 2749 posts of PCs (Civil) (Women) already notified in the limited recruitments vide Notification No.837/R&T/Rectt.2/2012, dated 31.12.2012. A supplementary notification needs to be issued thereafter before the conduct of written examinations which are slated on 19.05.2013.

7. The matter has been examined in the light of various orders issued by the Hon'ble Supreme Court of India as detailed below:

“The Hon'ble Supreme Court, in Prem Singh and others Vs.Haryana State Electricity Board and others, (1996 Scale 354) held that: “The State can deviate from the advertisements and make appointments on posts falling vacant thereafter in exceptional circumstances only or in an emergency situation and that too by taking a policy decision in that behalf.”

Further the Hon'ble Supreme Court of India in Jitendra Kumar and others Vs. State of Haryana and another [2008 (2) SCC 161] held that,

"We also do not see any reason to interfere with the impugned Notification dt. 13.05.2005, What would be the need of the State and how an administration shall be run is within the exclusive domain of the State. The power of judicial review in such matter is very limited.

The Superior Judiciary ordinarily would not interfere in a matter involving policy decisions. We do not mean to say that the policy decision of the State is beyond the realm of judicial review. However, power of judicial review can be exercised only on the basis of known legal principles."

The Supreme Court of India further held in Food Corpn. Of India Vs. Banu Lodh reported in (2005) 3 SCC 618, "this Court held: (SCCp.629 para 14), "14. Merely because vacancies are notified, the State is not obliged to fill up all the vacancies unless there is some provision to the contrary in the applicable rules. However there is no doubt that the decision not to fill -up the vacancies has to be taken bonafide and must pass the test of reasonableness so as to not to fail on the touch stone of Article 14 of the Constitution. Again if the vacancies are proposed to be filled, then the State is obliged to fill them in accordance with merit from the list of the selected candidates. Whether to fill up or not to fill up a post, is a policy decision, and unless it is infected with the vice of arbitrariness, there is no scope for interference in judicial review."

8. After examining the report of the Director General of Police, Government has arrived at the conclusion that an error has taken place in reporting the vacancies meant for direct recruitment and consequently vacancies have been reported in excess of cadre strength and the quota meant for direct recruitment to the category of PCs. (Civil/AR) (Women), and considered it necessary to rectify the error in order to ensure recruitment only to the extent of vacancies available as per the sanctioned strength and the quota meant for direct recruitment as per Service Rules.

9. Government after careful examination of the matter duly considering the judgments of the Hon'ble Supreme Court of India in the matter as mentioned in para 7 above, in partial modification of the permission accorded in this department's D.O. Letter third read above, hereby accord permission to the Chairman, Andhra Pradesh State Level Police Recruitment Board, Hyderabad, to conduct recruitment only to 1701 posts of Police Constables (Civil) (Women) instead of 2749 posts of Police Constables (Civil) (Women) already notified vide Notification dt. 31.12.2012, [the results of which are yet to be announced], due to the wrong calculation in respect of vacant posts by relaxing para 2 (VII) of G.O.Ms.No. 424, General Administration (Services-A) Department, dt. 15.06.2007.

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10. Accordingly, the Chairman, Andhra Pradesh State Level Police Recruitment Board, Hyderabad, shall take up the recruitment of 1701 posts of Police Constables (Civil) (Women) instead of 2749 posts of Police Constables (Civil) (Women) and he shall issue a supplementary notification duly obtaining the information regarding the revised roster points as per the rule of reservation and the presidential orders for each zone, before the announcement of results and process the examinations results thereafter.

11. The Director General of Police, Andhra Pradesh, Hyderabad and the Chairman, Andhra Pradesh State Level Police Recruitment Board, Hyderabad are requested to initiate further necessary action in the matter accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

Dr. P.V. RAMESH
PRINCIPAL SECRETARY TO GOVERNMENT (R&E)

To
The Home (Services-III) Department.
The Director General of Police, Andhra Pradesh, Hyderabad.
The Chairman, A.P. State Level Police Recruitment Board, Hyderabad.

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
The Pay and Accounts Office, Hyderabad.
SF/SCs (C.No. 478/A4/SMPC-I/2013)

// Forwarded :: By Order//

SECTION OFFICER